

ASSEMBLY, No. 3784

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblywoman LINDA S. CARTER

District 22 (Middlesex, Somerset and Union)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblywoman SHAVONDA E. SUMTER

District 35 (Bergen and Passaic)

Co-Sponsored by:

Assemblywoman Reynolds-Jackson, Assemblyman Karabinchak,

Assemblywoman Timberlake and Assemblyman Houghtaling

SYNOPSIS

Enhances protections against fraudulent deed recordings.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/20/2021)

1 AN ACT enhancing protections against fraudulent deed recordings,
2 designated the "Property Owner's Protection Act," and amending
3 and supplementing P.L.1968, c.49.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. Section 2 of P.L.1968, c.49 (C.46:15-6) is amended to read
9 as follows:

10 2. In addition to other prerequisites for recording, no deed
11 evidencing transfer of title to real property shall be recorded in the
12 office of any county recording officer unless it satisfies the
13 following requirements:

14 a. If the transfer is subject to any fee established under section
15 3 of P.L.1968, c.49 (C.46:15-7) or section 2 of P.L.2003, c.113
16 (C.46:15-7.1), a statement of the true consideration for the transfer
17 shall be contained in the deed, the acknowledgment, the proof of the
18 execution, or an appended affidavit by one of the parties to the deed
19 or that party's legal representative.

20 b. If the transfer is exempt from any fee established under
21 section 3 of P.L.1968, c.49 (C.46:15-7) or section 2 of P.L.2003,
22 c.113 (C.46:15-7.1), an affidavit stating the basis for the exemption
23 shall be appended to the deed.

24 c. If the transfer is of real property upon which there is new
25 construction, the words "NEW CONSTRUCTION" in upper case
26 lettering shall be printed clearly at the top of the first page of the
27 deed, and an affidavit by the grantor stating that the transfer is of
28 property upon which there is new construction shall be appended to
29 the deed.

30 d. Any party or other person submitting a deed for recordation
31 shall submit an affidavit of title.

32 e. (1) The county recording officer shall notify the transferor
33 of the recording.

34 (2) The county recording officer shall collect an additional fee
35 of \$2 per deed recording to offset the costs of notification.

36 (cf: P.L.2004, c.66, s.2)

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38 2. (New section) In order to aid in the effectuation of the
39 notification requirement under subsection e. of section 2 of
40 P.L.1968, c.49 (C.46:15-6), the county recording office shall allow
41 a property owner to submit information on his or her preferred
42 mailing address, or e-mail address, or both, through which to be
43 notified of a deed recording. The county recording officer shall
44 retain the contact information along with the deed.

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46 3. This act shall take effect on the first day of the third month
47 next following enactment.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

STATEMENT

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This bill enhances protections against fraudulent deed recordings by requiring the county recording officer to notify the transferor any time a deed transfer is being recorded for his or her property. To facilitate this requirement, the bill directs the recording officer to accept and retain a submission from a property owner of his or her preferred mailing address or e-mail address, or both. The "county recording officer" is also known as the "register of deeds and mortgages" in some counties, and the "county clerk" in the others.

To further enhance protections against fraudulent deed recordings, this bill also requires the person recording the deed to submit an affidavit of title as a prerequisite to the actual deed recording.

The bill allows the county recording officer to collect an additional \$2 in addition to existing recording fees to offset the cost of the notification requirement. The bill takes effect on the first day of the third month next following enactment in order to allow recording offices to adjust fees.